

## **REMARKS**

The Office Action dated February 24, 2005 has been received and carefully noted. The following amendments to claims 1, 14, 17-23, 25-27, and 29 and remarks are submitted as a full and complete response thereto. Claims 1-31 are currently pending in the application.

The Applicants wish to thank the Examiner for indicating allowable subject matter in claims 14-16, 27, and 28.

Claims 1-31 are respectfully resubmitted for consideration.

### **REJECTION UNDER 35 U.S.C. § 102:**

*In the Office Action, at page 2, claims 1-5, 7-8, 10, 17-22, 24-25, and 29-31 were rejected under 35 U.S.C. § 102 as being anticipated by "A cell discarding strategy to reduce cell error rate in wireless ATM network" by Sheu et al. ("Sheu"). The Office Action took the position that Sheu discloses all the aspects of independent claims 1, 17, and 29. Reconsideration is requested.*

Independent claim 1, upon which claims 2-16 are dependent, recites a packet transmission method for transmitting data packets via a telecommunication network. The method includes judging the a quality of a received data packet; tagging said data packet by adding a dropping information in response to the result of said judging step; and dropping said tagged data packet based on said added dropping information, when a predetermined dropping condition is met, wherein said quality is judged on the basis of an uplink quality parameter and/or a downlink power control status.

Independent claim 17, upon which claims 18-28 are dependent, recites a transmission apparatus for transmitting data packets via a telecommunication network. The apparatus includes judging means for judging a quality of a received data packet; and tagging means for adding dropping information to said data packet in response to a judging result of said judging means, wherein said judging means is arranged to judge the quality of said received data packet based on an uplink quality parameter and/or a downlink power control status.

Independent claim 29, upon which claims 30-31 are dependent, recites a network element for a telecommunication network, comprising judging means for judging a quality of a received data packet based on an uplink quality parameter and/or a downlink power control status; dropping means for detecting dropping information included in said received data packet, and for dropping said data packet based on said detected dropping information, when the predetermined dropping condition is met.

Because independent claims 1, 17, and 29 have been amended to include allowable subject matter, it is respectfully asserted that the rejections to the claims are rendered moot in view of Sheu. Thus, it is respectfully requested that independent claims 1, 17, and 29 and related dependent claims be allowed.

**REJECTION UNDER 35 U.S.C. § 103:**

*In the Office Action, at page 4, claim 9 rejected under 35 U.S.C. § 103 as being unpatentable over Sheu in view of U.S. Patent No. 6,072,773 to Fichou ("Fichou"). The*

*Office Action took the position that Sheu and Fichou disclose all the aspects of dependent claim 9. Reconsideration is requested.*

Dependent claim 9 depends from independent claim 1 and recites the additional features of “wherein said predetermined dropping condition is an overuse of a contract of a particular connection.”

Because independent claim 1 includes allowable subject matter, it is respectfully asserted that the rejections to independent claim 1 and dependent claim 9 are rendered moot in view of the references cited. Thus, is it respectfully requested that independent claim 1 and related dependent claim 9 be allowed.

*In the Office Action, at page 5, claims 6, 11, and 23 were rejected under 35 U.S.C. § 103 as being unpatentable over Sheu. The Office Action took the position that Sheu discloses all the aspects of dependent claims 6, 11, and 23. Reconsideration is requested.*

Dependent claim 6 depends from independent claim 1 and recites the additional features of “wherein said predetermined threshold is periodically updated for each transmission link of said telecommunication network,” and dependent claim 11 depends from independent claim 1 and recites the additional features of “wherein defective data frames are packed into the same ATM cell, wherein those ATM cells which contain only defective frames are tagged in said tagging step.” In addition, dependent claim 23 depends from independent claim 17 and recites the additional features of “wherein said stored predetermined threshold is periodically received and updated by said judging

means.”

Because independent claims 1 and 17 include allowable subject matter, it is respectfully asserted that the rejections to independent claims 1 and 17 and related dependent claims 1, 11, and 23 are rendered moot in view of the references cited. Thus, is it respectfully requested that independent claims 1 and 17 and related dependent claims 6, 11, and 23 be allowed.

*In the Office Action, at page 6, claims 12 and 26 were rejected under 35 U.S.C. § 103 as being unpatentable over Sheu in view of U.S. Patent No. 6,233,222 B1 to Wallentin (“Wallentin”). The Office Action took the position that Sheu and Wallentin discloses all the aspects of dependent claims 12 and 26. Reconsideration is requested.*

Dependent claim 12 depends from independent claim 1 and recites the additional features of “wherein said telecommunication network is a mobile communication network, and wherein said transmission method is used for transmitting ATM cells between a base station and a radio network controller.” In addition, dependent claim 26 depends from independent claim 17 and recites the additional features of “wherein said telecommunication network is a mobile network and said packet transmission apparatus is a base station of said mobile network, and wherein said data packet is an ATM cell.”

Because independent claims 1 and 17 include allowable subject matter, it is respectfully asserted that the rejections to independent claims 1 and 17 and related dependent claims 12 and 26 are rendered moot in view of the references cited. Thus, is it

respectfully requested that independent claims 1 and 17 and related dependent claims 12 and 26 be allowed.

*In the Office Action, at page 7, claim 13 was rejected under 35 U.S.C. § 103 as being unpatentable over Sheu in view of WO 98/08351 to Martikainen ("Martikainen"). The Office Action took the position that Sheu and Martikainen discloses all the aspects of dependent claim 13. Reconsideration is requested.*

Dependent claim 13 depends from independent claim 1 and recites the additional features of "wherein said data packet comprises a macro diversity combining bit stream."

Because independent claim 1 includes allowable subject matter, it is respectfully asserted that the rejections to independent claim 1 and related dependent claim 13 are rendered moot in view of the references cited. Thus, is it respectfully requested that independent claim 1 and related dependent claim 13 be allowed.

## **CONCLUSION:**

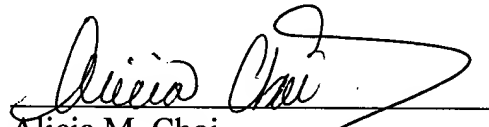
In view of the above, applicant respectfully submits that the claimed invention recites subject matter which is neither disclosed nor suggested in the cited prior art. Applicants further submit that the subject matter is more than sufficient to render the claimed invention unobvious to a person of skill in the art. Applicants therefore respectfully request that each of claims 1-5, 7-8, 10, 17-22, 24-25, and 29-31 be found allowable and, along with allowed

claims 14-16, 27, and 28, this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

  
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